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1201 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3919
(202) 789-3400
FAX (202) 789-1158

KECK, MAHIN & CATE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

FILE NUMBER 46158-003

DIRECT DIAL (202) 789-3419

August 31, 1994

EX PARTE OR LATE FILED

By Hand

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

EX PARTE

Re: In the Matter of the Petition of the Inmate
Calling Services Providers Task Force for
Declaratory Ruling; RM 8181

Dear Mr. Caton:

The Inmate Calling Services Providers Task Force ("ICSPTF") has informed the Commission that inmate calling systems operate in a manner similar to a private branch exchange ("PBX"), and have all the attributes and control functionality of a private telephone system, rather than as payphones that are "available to the transient, mobile public" and which are subject to the limited CPE exemption articulated in Tonka.

Recently, we came across the attached advertisement of Bell Atlantic for its inmate calling systems. This advertisement explicitly and strongly demonstrates the validity of ICSPTF's claims. The purpose of the advertisement is to make correctional officials aware of the fact that inmate calling systems are more than just phones -- they are private systems that are specially-designed to meet the needs of the correctional official. The following are some experts from the advertisement*:

To An Inmate It's A Phone.
To You It's a Security System.

Bell Atlantic Inmate Communications Systems
put you in complete control of who,
when and how inmates call.

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*All emphasis supplied except as otherwise noted.

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Notice we said systems. (Emphasis in original.)

It's far more than telephones.
It's reliable hardware.
Sophisticated software.
And dedicated people power.

Put them all together and the telephone
companies of Bell Atlantic offer a
total package that's hard to match.

Technological capabilities
customized to your facility.

* * * * *

The point is clear. The LECs are not offering public payphones to correctional institutions. They are offering sophisticated private systems -- private systems that are not, nor have they ever been, subject to a CPE exemption. They are private systems that are, and should therefore be declared as such, subject to the anti-discriminations safeguards of Computer II.

The Commission should promptly grant ICSPTF's petition and declare that inmate calling systems are CPE.

Sincerely,



Albert H. Kramer
David B. Jeppsen

Counsel for the Inmate
Services Providers Task Force

Enclosure

cc: Ruth Milkman
James Casserly
Richard Welch
Rudy Baca
Richard Metzger
Gerald Vaughn
James R. Keegan
Olga Madruga Forti
Suzanne Hutchings

To an inmate it's a phone. To you it's a security system.

Bell Atlantic Inmate Communication Systems put you in complete control of who, when and how inmates call.

Notice we said *systems*.

It's far more than telephones. It's reliable hardware. Sophisticated software. And dedicated people power.

Look at any individual element, and we're the equal of any competitor.

Put them all together and the telephone companies of Bell Atlantic offer a total package that's hard to match.

Technological capabilities customized to your facility?

We offer unsurpassed call control features including Three-Way Call Protection.

Responsive service and support?

We're always close by. We're always there when you need us.

We even offer cost-effective on-site administration to keep down costs.

See the Big Picture, and it's no wonder that 90% of all correctional facilities in the Mid-Atlantic region go with Bell Atlantic.

Who better to trust your inmate communication systems to than the phone company?

For more information, please contact your local Bell Atlantic representative or call (201) 509-8292.

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